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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/623,373	08/30/2000	Bjorn Heed		2764
7590	03/08/2006		EXAMINER	
Orum & Roth 53 West Jackson Boulevard Chicago, IL 60604-3606			TRAN, HIEN THI	
			ART UNIT	PAPER NUMBER
			1764	

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/623,373	HEED, BJORN	
	Examiner	Art Unit	
	Hien Tran	1764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 December 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4,6,7 and 9-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4,6,7 and 9-17 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12/14/05 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “duct adapted to supply agents” (claims 3, 6, 13, 15) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “12” has been used to designate both “the hot zone” (page 3, line 3) and “the intermediate zone” (page 3, line 22). Corrected drawing sheets in compliance

with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "14" and "12" have both been used to designate "the intermediate zone" (page 3, line 22). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure (the substitute specification filed 4/11/05) is objected to because of the following informalities:

On page 3, line 22 –intermediate– is misspelled and “12” (second occurrence) should be changed to –14–.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

- 5. The following is a quotation of the first paragraph of 35 U.S.C. 112:**

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

- 6. Claims 1-4, 6-7, 9-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.**

In claim 1, it is unclear as to what defines the zones and where the intermediate zone is disclosed in the original specification; in lines 9-10 it is unclear as to where it is disclosed in the original specification. See claims 2, 16-17 likewise.

In claim 3, it is unclear as to where the “duct” is disclosed in the original specification. See claims 6, 13, 15 likewise

In claims 9-12, 15, it is unclear as to where it is disclosed in the original specification.

- 7. The following is a quotation of the second paragraph of 35 U.S.C. 112:**

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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8. **Claims 1-4, 6-7, 9-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

In claim 1, it is unclear as to what defines the three zones and where they are disclosed in the original specification; in lines 9-10 it is unclear as to where it is disclosed in the original specification. See claims 2, 16-17 likewise.

In claim 3, it is unclear as to where the “duct” is disclosed in the original specification and shown in the drawings. See claims 6, 13, 15 likewise

In claims 9-12, 15, it is unclear as to where it is disclosed in the original specification.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. **Claims 1-2, 11-12, 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Bayer et al (5,262,131).**

With respect to claims 1, 16, Bayer et al discloses an apparatus comprising: regenerative bed 18 containing heat exchanging matrix, the bed comprising at least three zones 32, 34, 36, 38, 40, at least one zone is a catalyst zone 36, 38 being catalytically active in reduction of nitrogen oxides (col. 3, lines 1-3), at least one zone is a hot zone (at the heating coil 42), the catalytic zone 36, 38 being spaced a distance (an intermediate

zone) from the hot zone 42; the intermediate zone inherently has a temperature reducing effect.

With respect to claims 2, 17, Bayer et al discloses that the hot zone is a center zone and the two catalyst zones 36, 38 located on each side of the hot center zone.

With respect to claims 11-12, Bayer et al disclose valve 50 for changing gas flow direction.

Note that intended use is of no patentable moment in apparatus claims.

Instant claims 1-2, 11-12, 16-17 structurally read on the apparatus of Bayer et al.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. Claims 1-4, 6-7, 9-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gribbon (5,589,142) in view of Bayer et al (5,262,131).

With respect to claims 1,16, Gribbon discloses an apparatus comprising:
regenerative bed 10 containing heat exchanging matrix, the bed comprising at least three zones, at least one zone is a catalyst zone 22, 24 being catalytically active in reduction of nitrogen oxides, at least one zone is a hot zone (at the burner 28), the catalytic zone 22, 24 being separated from the hot zone 28 by a distance which is considered an intermediate zone (Figs. 1-2).

The apparatus of Gribbon is substantially the same as that of the instant claims, but is silent as to whether the matrix may comprise at least three zones in which the catalyst zone is separated from a combustion zone by an intermediate matrix zone.

However, Bayer et al discloses the conventionality of providing a heat exchanging matrix including a catalyst zone 36, 38, a central combustion zone 42 and an intermediate matrix zone 40 (next to zone 42) wherein the catalyst zone 36, 38 is separated from the combustion zone 42 by said intermediate matrix zone 40; the intermediate zone inherently has a temperature reducing effect.

It would have been obvious to one having ordinary skill in the art to alternatively select an appropriate bed for the system, such as the one taught by Bayer et al in the apparatus of Gribbon, since both types of regenerative bed are conventional in the art and no cause for patentability here.

With respect to claims 2 and 17, Bayer et al discloses two catalyst zones 36, 38, each catalyst zone is separated from the hot zone 42 by one of the intermediate zones.

With respect to claims 3, 6, 13, 15, Gribbon discloses a duct 56, 60, 110 for supplying reducing agents to the incoming gas flow.

With respect to claims 4, 7, 14, Gribbon discloses a supply interrupt mechanism (col. 4, lines 4-14).

With respect to claims 9-12, 15, Gribbon and Bayer et al disclose valves for changing gas flow direction.

Response to Arguments

14. Applicant's arguments filed 12/14/05 have been fully considered but they are not persuasive.

Applicant argues that the duct 2 is adapted to supply the reducing agents. However, is unclear as to where it is disclosed in the original specification.

Applicant argues that Bayer et al does not disclose a temperature lowering structure as set forth in instant claims. Such contention is not persuasive as the intermediate matrix zone 40 of Bayer et al is considered a temperature lowering zone since it does not contain heating means as in the hot zone 42.

Applicant argues that Bayer et al and Gribbon do not disclose both the catalyst and hot zones for self-decomposition in the same equipment. Such contention is not persuasive as the decomposition temperature depends on the type of gas passing therethrough. However, the type of gas is not a part of the apparatus and also intended use is of no patentable moment in apparatus claim. Note that Bayer et al discloses catalyst zones 36, 38 and a hot zone 42 within the same thermal oxidizer 10. Gribbon discloses catalyst zones 22, 24 and a hot zone 28 within the same thermal oxidizer 12.

Conclusion

15. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Houston is cited for showing state of the art.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hien Tran whose telephone number is (571) 272-1454.

The examiner can normally be reached on Tuesday-Friday from 7:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Calderola can be reached on (571) 272-1454. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on

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access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Hien Tran
Primary Examiner
Art Unit 1764**

HT

March 3, 2006